

FILE

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

JUN 18 2004

**OFFICE OF
MANAGING DIRECTOR**

Willie B. Adams
Business Manager
D&E Communications of Ohio
WABQ Inc.
8000 Euclid Avenue
Cleveland, OH 44103

Re: Fiscal Year 2003 Regulatory Fee
Fee Control No. 00000RROG-04-051
Bill No. 0420000086

Dear Mr. Adams:

This is in response to your request, dated March 9, 2004 filed on behalf of D&E Communications of Ohio (D&E Communications), for waiver of the late payment penalty associated with the fiscal year (FY) 2003 regulatory fees for WABQ Inc. Our records indicate that we received D&E Communication's FY 2003 regulatory fees of \$3,200.00 for stations WABQ and WRTK on October 31, 2003 but that you have not paid the \$800.00 late payment penalty.

In support of your request, you state that you were missing a Payer FRN and an Applicant FRN. Upon calling, you were told you could obtain your FRN on the internet, but that your computers had a problem that required days to resolve, and that then your phone lines were not working because your long distance was "slammed." Once you obtained forms and mailed them, you state that they were returned due to an error, which you corrected and resent the forms. Further, you state that you are a small operation billing less than \$500,000 annually and that after expenses you just break even each month.

The Communications Act of 1934, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment at the designated address no later than the final date on which regulatory fees are due for the year. We find that D&E Communications of Ohio did not meet its obligation to file its regulatory fee to be timely received by the Commission by September 25, 2003, the final date of the regulatory fee filing window for FY 2003. We therefore deny your request for waiver of the penalty for late payment of the FY 2003 regulatory fee.

Willie B. Adams

2.

Further, although D&E Communications may have been unaware of the Commission's requirement that persons and entities doing business with the Commission obtain an FCC Registration Number (FRN) and supply it with payment transactions (including when paying regulatory fees), this also provides no basis for a waiver of the late charge penalty. The Commission has required persons and entities to use an FCC Registration Number when doing business with the Commission since December 3, 2001.¹ The adoption of this requirement followed public notice and comment and was published in the Federal Register.² Therefore, your request for a waiver of the late charge penalty for late payment of the FY 2003 regulatory fee is denied.

A late payment penalty in the amount of \$800.00 for FY 2003 is now due. The fee must be filed, together with a copy of Bill No. 0420000086 (copy enclosed), within 30 days from the date of this letter. If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

Enclosure

¹ See *Amendment of Parts 1, 21, 61, 73, 74 and 76 of the Commission's Rules, Adoption of a Mandatory FCC Registration Number, Report and Order*, 16 FCC Rcd 16138, 16143 (2001) ("persons and entities doing business with the Commission [are required] to acquire an FRN and to provide it with all applications or feeable filings as well as other transactions involving the payment of money."), published at 66 Fed. Reg. 47890 (2001); see also *Public Notice, FCC's Fee Filer Available for Online Submission of Fiscal Year 2002, Regulatory Fees and Data*, 17 FCC Rcd 15412 (2002) ("[Regulatory fee p]ayments received without an FRN will be retained by the Commission, which will notify the filer that the payment was received without an FRN and that proper credit will not occur until the FRN is provided."); *Regulatory Fees Fact Sheet, "Use of the FCC Registration Number (FRN) is Mandatory*, July, 2003 ("If you do not yet have a FRN, you register for one through the FCC website listed below, or by completing a Form 160 (CORES Registration Form) and submitting the Form 160 along with your payment and Form 159.")

² See *Adoption of a Mandatory FCC Registration Number, Notice of Proposed Rulemaking*, 15 FCC Rcd 24370 (2000), published at 65 Fed. Reg. 78455 (2000); see also *supra* fn. 1.

RECEIVED
FCC

2004 MAR 18 A 8:22

ACCOUNT PROCESSING
GROUP-DPT/RPT/TMT

Claudette E. Pride, Chief
Federal Communication Commission
Washington, D.C. 20554

March 9, 2004

Re: Bill No. 0420000086 D & E Communications Of Ohio, ~~WABQ~~

Dear Ms. Pride:

We received your letter dated March 3, 2004, and the accompanying bill for \$800.00.

We have sent this letter to explain the circumstances causing the fee to be received late. We received the forms to fill out, however we were missing the Payer FRN, and the Applicant FRN. When I called to get it I was told that I could get it through the internet. We then had a problem with our computers and waited for days to get it resolved. Once we got the computers working our phone lines were not working properly due to "slamming" of our long distance. We never got that worked out so we had to figure out a way to get the information. Somehow the owner did get the information and we forwarded the payment and the forms. The forms and the payment were returned due to an error, and we had to correct it and resend them.

We are a very small operation billing less than \$500,000 annually. Once our normal expenses are paid we are just breaking even every month. Even though we are growing the process is very slow. We are trying to upgrade studio equipment, and a traffic system which, we haven't been able to do yet. Our format is Heritage Gospel and our clients are small to medium churches.

Ms. Pride is there any way to get this fee waved for this period? We will make every effort to assure that the fees in the future are paid on time.

Thank you,

Sincerely,

Willie B. Adams
Business Manager

MAR 26 2004



Federal Communications Commission
Washington, D.C. 20554

March 3, 2004

WABQ Inc
8000 Euclid Ave
Cleveland, OH 44103

Re: Bill No. 0420000086

Dear Licensee:

This letter is notice that you were late paying your 2003 annual regulatory fee(s). Payment of regulatory fees was due to the Federal Communications Commission (FCC) by 11:59 pm, September 25, 2003. Your fee payment of \$3,200.00 was received on October 31, 2003.

In accordance with Section 9 [47 USC 159(c)(1)], a 25 percent late penalty in the amount of \$800.00 has been assessed. Unless you can show just cause why the penalty is inapplicable, payment is due within 30 days from the date of this letter.

Payment should be sent to the Federal Communications Commission, Regulatory Fees, P.O. Box 358340, Pittsburgh, PA 15251-5340, along with a copy of the enclosed billing invoice.

If you have any documentation that will establish that the fee was remitted and received at Mellon Bank by September 25, 2003, such as a carrier dated receipt, please include this documentation with your response and your record(s) will be adjusted accordingly.

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined in 47 CFR, Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why any existing instruments of authorization should not be revoked. Further sanctions include interest charges and the full cost of collection to the Federal government pursuant to Section 3720A of the Internal Revenue Code, 31 USC 3717, and the provision of the Debt Collection Improvement Act, 31 USC 3717.

If you have any questions, you may contact my office at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, reading "Claudette E. Pride".

Claudette E. Pride, Chief
Revenue and Receivables Operations Group

Enclosure

AR012-A
4/06/2004
11:56:12

RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.
RECEIPTS DETAIL REPORT
SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

PAGE 1
4/06/2004
11:56:12

CD No.	CD DATE	FEE CONTROL No.	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
560253	6/20/01	0106208180183001	0003795648	WABQ Inc	6/19/01	\$50.00
Seq: 1 Call Sign: WABQ FCC Code 1: FCC Code 2: Tin Number: 0341301441						
QTY: 1 Applied Amt: 50.00						
PTC: MAR						
Applicant Name: WABQ INC						
Address: 8000 EUCLID AVE						
560838	11/03/03	0311038835220006	0003795648	WABQ Inc	10/31/03	\$3,200.00
Seq: 1 Call Sign: WABQ FCC Code 1: FCC Code 2: Tin Number:						
QTY: 1 Applied Amt: 2000.00						
PTC: 0339						
Applicant Name: D & E COMMUNICATIONS OF OHIO I						
Address: 8000 EUCLID AVENUE						
Seq: 2 Call Sign: WRTK FCC Code 1: FCC Code 2: Tin Number:						
QTY: 1 Applied Amt: 1200.00						
PTC: 0338						
Applicant Name: D & E COMMUNICATIONS OF OHIO I						
Address: 8000 EUCLID AVENUE						
Total Applied:				\$3,250.00	Total Receipt:	\$3,250.00

Bill Processing

Document Number 0420000086

FRN 0003795646

WABQ Inc

F1 NEXT

F9 END

4/5/2004 ARIPNLO

BILL EXISTS - YOU ARE IN MODIFY MODE - PRESS F9 TO EXIT

RAMIS ACCOUNTS RECEIVABLE SUBSYSTEM

(c) DSG, Inc.

Add/Modify Billing Information

Document Number 042000000006

FRN 0003795648 WABQ Inc

Bill Date 11/04/03 Bill Amount \$800.00

Bill Type FINE Bill Paid \$0.00

Bill Due Date 12/04/03 Bill Balance Due \$800.00

Dunning Indicator Bill Cycle Interest Due \$0.00

Referral Code Waiver Penalty Due \$0.00

Print Seq # 00013246 Waiver Date Admin Chg Due \$0.00

Transaction Date 04/06/04 Acct Period 07 Total Due \$800.00

Bill Description Assess penalty for late regulatory fee

Line Item Sequence 001 BFY FUND PROG ORG PROJ DOC TYPE

Accounting Classification Code 2003 00 90 9500 065 0199

Product No. 0399 Quantity 1 Item Amount \$800.00

Document Status 5 Item Paid \$0.00

Transaction Code Item Balance Due \$800.00

Reference Type Reference No. 0311036835220006 Line 001

Bureau File No. 20

Item Description payment not received by 09/25/03

Fy Days 360 Rate 3.00

F1 NEXT F2 PREV F3 VERIFY F4 CRM

F5 SAVE F6 BACK F9 END

4/6/2004 ARHPL2

Add/Modify Billing Information

Document Number 0420000086

ARM 0003795648

WABG INC

Bill Date 11/09/03

Bill Type FINE

Bill Due Date 12/04/03

Bill Balance Due \$800.00

Bill Paid \$0.00

Bill Amount \$800.00

Billing Indicator

Bill Cycle

Interest Due

\$0.00

Referral Code

Waiver

Penalty Due

\$0.00

Admin Chg Due

\$0.00

Transaction Date 03/06/04

Acct Period 07 Total Due

\$800.00

Bill Description

Assess penalty for late regulatory fee

Line Item Sequence 002

BY FUND

PROC

ORG

PROJ

HOC

TYPE

Accounting Classification Code

Product No.

Quantity

Item Amount

Item Paid

Item Balance Due

Reference Type

Reference No.

Line

Bureau File No.

Item Description

FY Days 360 Rate 0.00

F1 NEXT F2 PREV F3 VERIFY F4 CRM

F6 SAVE

F8 BACK

F9 EXIT

4/5/2004 APRIL 2

**Federal Communications Commission
BILL FOR COLLECTION**

FOR INQUIRIES CALL
1-202-418-1995
(Revenue & Receivable Ops Group)

Bill Number		Current Bill Date
0420000086		11/04/03
PAYER FRN#	APPLICANT FRN#	
0003795648	0003795648	
<p>WABQ Inc 8000 Euclid Ave Cleveland, OH 44103</p>		
<p>Payable to: Federal Communications Commission Send a copy of this bill to: Federal Communications Commission REVENUE & RECEIVABLE OPER. P.O. BOX 358340 PITTSBURGH, PA 15251-8340</p>		

Total Amount Due		Due Date
\$800.00	Total Amount Due Must Be Received By	12/04/03

SPECIAL INSTRUCTIONS (OPTIONAL)

PAYER FCC REGISTRATION NUMBER (FRN) REQUIRED

Assess penalty for late regulatory fee payment not received by 09/25/03

FCN: 0311038835220006 CALL SIGN: WABQ

PAYER ADDRESS: WABQ Inc
8000 Euclid Ave

Cleveland, OH 44103

Please write your bill number on your remittance.

Please attach a copy of this bill to your payment to ensure proper credit.

PTC	Quantity	Fee Due
0399	1	\$800.00
Total Due		\$800.00

Payment Method: Check ☐ (Attach)
 Credit Card ☐ (Complete Below)

<input type="checkbox"/> MasterCard	<input type="checkbox"/> American Express
<input type="checkbox"/> VISA	<input type="checkbox"/> Discover

Account No:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Expiration:

<div><div></div><div></div></div>	<div><div></div><div></div></div>
Month	Year

I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE